

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Julius Bonayon,

Plaintiff,

vs.

The Boeing Company,

Defendant.

C/A No.: 2:22-CV-01577-RMG-MGB

**DEFENDANT'S NOTICE OF
REMOVAL**

TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA, CHARLESTON DIVISION; THE CIRCUIT COURT FOR CHARLESTON COUNTY, SOUTH CAROLINA; AND ALL PARTIES AND ATTORNEYS OF RECORD:

1. Please take notice that Defendant The Boeing Company ("Defendant" or "Boeing"), pursuant to 28 U.S.C. §§ 1331, 1332, 1441 and 1446, hereby removes the above-entitled action from the Court of Common Pleas for Charleston County, State of South Carolina, to the United States District Court for the District of South Carolina, Charleston Division.

2. Plaintiff filed his Complaint against Defendant on March 17, 2022. Defendant was served via its registered agent on April 18, 2022. This action is pending in the Court of Common Pleas of Charleston County, State of South Carolina, under Civil Action Number 2022-CP-10-01278.

3. The undersigned represents the Defendant in this action.

4. The Notice of Removal is filed within thirty (30) days after receipt of the initial pleading through service on Defendant, or otherwise, pursuant to 28 U.S.C. § 1446(b)(1). A copy of the attached Summons and Complaint constitute all process and pleadings served in this action (Exhibit A).

5. Defendant is entitled to removal of this civil action to this Court on the grounds of federal question jurisdiction and diversity jurisdiction.

6. Plaintiff's Complaint asserts five causes of action for: (a) race discrimination in violation of 28 U.S.C. § 1981 and Title VII, as well as national origin discrimination in violation of Title VII; (b) disability discrimination under the Americans with Disabilities Act; (c) hostile work environment based on national origin in violation of Title VII;¹ (d) retaliation in violation of Title VII; and (e) retaliation under the Family Medical Leave Act. Therefore, this Court has original federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331.

7. Also, Defendant is entitled to removal of this civil action to this Court on the grounds of diversity jurisdiction, pursuant to 28 U.S.C. § 1332, in that complete diversity exists between Plaintiff and Defendant and the matter in controversy, at the time of commencement and at the present time, exceeds the sum of Seventy-Five Thousand and no/100 (\$75,000.00) Dollars, exclusive of interest and costs. More specifically, Plaintiff is a citizen and resident of South Carolina. (Complaint at ¶ 1). Defendant is not a citizen or resident of the State of South Carolina; instead, it is a foreign corporation organized outside the State of South Carolina. Moreover, Defendant's principal place of business is located outside of the State of South Carolina. Plaintiff has requested actual, compensatory, consequential, and punitive damages in in his Complaint and has not otherwise limited his damages claim.

8. Defendant submits this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff or conceding that Plaintiff has pled claims upon which relief can be granted.

¹ These two claims were pled as a single cause of action in Plaintiff's Complaint.

9. Defendant will timely provide a copy of the Notice of Removal to the Clerk of Court for Charleston County.

10. By copy of this Notice of Removal, and in accordance with the attached Certificate of Service, Defendant is providing notice to Plaintiff in this action and advising Plaintiff of this filing pursuant to 28 U.S.C. § 1446(d).

11. In the event any question arises as to the propriety of removal of this action, Defendant reserves the right to amend or supplement this Notice of Removal, and further requests the opportunity to present briefs, oral arguments and, if necessary, affidavits and other evidence in support of its position that removal is proper.

WHEREFORE, pursuant to 28 U.S.C. §§ 1331, 1332, 1441 and 1446, Defendant hereby removes this matter from the Court of Common Pleas for Charleston County, South Carolina, into this Court for trial and determination.

s/Christina L. Rogers
Christina L. Rogers (Federal ID No. 11994)
Mary Stuart King (Federal ID No. 13445)
NEXSEN PRUET, LLC
1230 Main Street, Suite 700
Columbia, SC 29201
Phone: (803) 771-8900
Facsimile: (803) 253-8277
E-mail: crogers@nexsenpruet.com
E-mail: mking@nexsenpruet.com

ATTORNEYS FOR DEFENDANT
THE BOEING COMPANY

May 18, 2022
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **DEFENDANT'S NOTICE OF REMOVAL** has been served upon the following counsel of record by placing the same in the United States mail, first class postage prepaid, addressed to the following as shown below this 18th day of May, 2022.

Bonnie Travaglio Hunt, Esq.
Hunt Law LLC
4000 Faber Place Drive, Suite 300
North Charleston, SC 29405
Telephone: (843) 553-8709
Facsimile: (843) 492-5509
bthunt@huntlawllc.com

Peter Kaufman, Esq.
Kaufman Labor & Employment Solutions, LLC
295 Seven Farms Drive
Suite C-267
Charleston, SC 29492
Telephone: (843) 513-6062
pkaufmanlaw@gmail.com

ATTORNEYS FOR PLAINTIFF

s/ Christina L. Rogers
NEXSEN PRUET, LLC
1230 Main Street, Suite 700
Columbia, SC 29201
Phone: (803) 771-8900
Facsimile: (803) 253-8277